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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/768,841
Filing Date: January 30, 2004
Appellant(s): YAMAMOTO, TOMOYUKI

David W. Hill
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/18/2011 appealing from the Office action mailed 05/11/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 43-45, 47-53, 55-59, 62-66, 69-76, 78-81 and 84-88.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2005/0278771	Hassell et al.	12-2005
2003/0088872	Maissel et al.	05-2003
6,588,015	Eyer et al.	07-2003
6,807,367	Durlach	10-2004
6,323,911	Schein et al.	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **43-45, 48-53, 56-59, 62-66, 69-76 and 79-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, herein Hassell, in view of **Maissel et al. (US**

2003/0088872), herein Maissel, in view of **Eyer et al. (US Patent 6,588,015)**, herein Eyer, and further in view of **Durlach (US Patent 6,807,367)**.

Consider **claim 43**, Hassell clearly teaches an apparatus, comprising:

storing means for storing a plurality of content items, the plurality of content items including a first content item and a second content **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

input means for receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selection means for selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

reproducing means for replaying the first content item or the second content item from the selected next replay positions; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

However, Hassell does not explicitly teach jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position and the input means performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

In an analogous art, Maissel, which discloses a system for recording digital television, clearly teaches jumping from a first position within the first content item immediately subsequent to the current replay position to a second position

within the first content item without accessing intervening contents between the first position and the second position (**Fig. 10B: The NEXT buttons may skip to a different section within the same program without displaying the intervening content, [0369]-[00371].**) and the input means performs both of the following two functions:

- (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and
- (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, **(The NEXT buttons may skip to a section within a program or to a subsequent program, [0368]-[0372].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by allowing for jumping from a first position within a program to a second, as taught by Maissel, for the benefit of allowing a user to access content more efficiently.

However, Hassell combined with Maissel does not explicitly teach wherein one of function (1) or function (2) is performed when a button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein one of function (1) or function (2) is performed when a button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. (**Fig. 2: The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for two functions, as taught by Eyer, for the benefit of simplifying the user interface.

However, Hassell combined with Maissel and Eyer does not explicitly teach displaying means for displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying means displays an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Maissel and Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 44**, Hassell combined with Maissel, Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator at the beginning of the second content item when the user skips over the current replay position within the first content item. **(Durlach shows the current location of the currently displayed video of Hassell and Eyer. Therefore, it is inherent that when a user skips to the beginning of the second content item the display means will indicate the beginning of the second content.)**

Consider **claim 45**, Hassell combined with Maissel, Eyer and Durlach, as in claim 43, clearly teaches a content classifying means for classifying the stored plurality of content items, in accordance with a broadcasting time sequence, **(Programs can be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the main facility 12 of Fig. 1 to the user television equipment 22, [0017] Hassell.)** an order of recommendation rating for the user preference, or a viewing history of a user. **(A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173])**

Consider **claim 48**, Hassell combined with Maissel, Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.), wherein: the plurality of content items are programs provided via ground stations, satellite stations, wireless network or wired network. **(Fig. 1 : Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016] Hassell)**

Consider **claim 49**, Hassell combined with Maissel, Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are comprised of visual and sound data. **(The programs received by the STB are comprised of video and audio data. [0021] Hassell)**

Consider **claim 50**, Hassell combined with Maissel, Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are multimedia data or replay application programs. **(The contents received by the STB include program listings, programs (audio/video) and program data. [0024] Hassell)**

Consider **claim 51**, Hassell clearly teaches a method, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replaying the first content item or the second content item from the selected next replay position. **([0040])**

However, Hassell does not explicitly teach jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position and the input means performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

In an analogous art, Maissel, which discloses a system for recording digital television, clearly teaches jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position (**Fig. 10B: The NEXT buttons may skip to a different section within the same program without displaying the intervening content, [0369]-[00371].**) and the input means performs both of the following two functions:

- (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and
- (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, **(The NEXT buttons may skip to a section within a program or to a subsequent program, [0368]-[0372].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by allowing for jumping from a first position within a program to a second, as taught by Maissel, for the benefit of allowing a user to access content more efficiently.

However, Hassell combined with Maissel does not explicitly teach wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. (**Fig. 2: The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for two functions, as taught by Eyer, for the benefit of simplifying the user interface.

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 52**, see claim 44.
Consider **claim 53**, see claim 45.
Consider **claim 56**, see claim 48.
Consider **claim 57**, see claim 49.
Consider **claim 58**, see claim 50.

Consider **claim 59**, Hassell clearly teaches a computer readable medium comprising instructions for causing a processor to execute a method **(The use of a processor executing instructions is inherent in a set-top box.)**, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

selecting a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replaying the first content item or the second content item from the selected next replay position. ([0040])

However, Hassell does not explicitly teach jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position and the input means performs both of the following two functions:

- (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and
- (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

In an analogous art, Maissel, which discloses a system for recording digital television, clearly teaches jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position (**Fig. 10B: The NEXT buttons may skip to a different section within the same program without displaying the intervening content, [0369]-[00371].**) and the input means performs both of the following two functions:

- (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and
- (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, (**The NEXT buttons may skip to a section within a program or to a subsequent program, [0368]-[0372].**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by allowing for jumping from a first position within a program to a second, as taught by Maissel, for the benefit of allowing a user to access content more efficiently.

However, Hassell combined with Maissel does not explicitly teach wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for two functions, as taught by Eyer, for the benefit of simplifying the user interface.

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 62**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the display means displays the indicator of the current replaying position together with information identifying the content item being currently replayed. **(Fig. S4: Graphics overlay 204 displays information about the current segment, column 13 lines 37-41 Durlach.)**

Consider **claim 63**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the indicator of the replaying position is displayed on a horizontal bar on the display means. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 64**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar represents an interval of time within the first content item and the indicator of the replaying position represents a time within the first content item that is currently being replayed. **(Fig. S4, column 13 lines 26-36 Durlach.)**

Consider **claim 65**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar includes a graphical representation of both the first content item and the second content item at a time when only the first content item is being reproduced. **(Fig. S4: The system uses various visual delineators to identify distinct movie segments, column 13 lines 26-36 Durlach. The segments are individual content items, column 14 lines 17-39 Durlach.)**

Consider **claim 66**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches the horizontal bar is displayed such that the indicator moves to the right as the current replay position moves closer to the end of the first content item. **(Fig. S4: The indicator needle moves in accordance with the current movie, column 13 lines 26-36 Durlach. Advancing the movie entails a left-to-right motion, column 20 lines 9-13.)**

Consider **claim 69**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches displaying the indicator of the current replaying position together with information identifying the content item being currently reproduced. **(Fig. S4 shows both the position indicator 206 and the content indicator 204 being displayed together.)**

Consider **claim 70**, see claim 63.

Consider **claim 71**, see claim 64.

Consider **claim 72**, see claim 65.

Consider **claim 73**, see claim 66.

Consider **claim 74**, Hassell clearly teaches an apparatus comprising:

a storage device configured to store a plurality of content items, the plurality of content items including a first content item and a second content item; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

an input unit configured to receive a user input from a user; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

a processor configured to select a next replay position by skipping past a current replay position within the first content item to select the beginning of the second content item, or by skipping past a first position within the

first content item immediately subsequent to the current replay position to a second position within the first content item that is subsequent to the first position; **(The user may fast-forward or rewind to a position within the program or select a different program, [0040].)**

replay the first content item or the second content item from the selected next replay position. **([0040])**

However, Hassell does not explicitly teach jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position and the input means performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position,

In an analogous art, Maissel, which discloses a system for recording digital television, clearly teaches jumping from a first position within the first content item immediately subsequent to the current replay position to a second position within the first content item without accessing intervening contents between the first position and the second position **(Fig. 10B: The NEXT buttons may skip to a different section within the same program without displaying the intervening content, [0369]-[00371].)** and the input means performs both of the following two functions:

(1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first and second position, thereby selecting the second position within the first content item as the next replay position, and

(2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position, **(The NEXT buttons may skip to a section within a program or to a subsequent program, [0368]-[0372].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by allowing for jumping from a first position within a program to a second, as taught by Maissel, for the benefit of allowing a user to access content more efficiently.

However, Hassell combined with Maissel does not explicitly teach wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein one of function (1) or function (2) is performed when the button is depressed and held by the user for an amount of time that is less than a predetermined period, and the other of function (1) or function (2) is performed when the button is depressed for an amount of time that is not less than the predetermined period. **(Fig. 2: The buttons 248 and 254 may be combined into a single button wherein the function of the button is based on the duration for which the button is pressed, col. 8 lines 20-31.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by using a single button for two functions, as taught by Eyer, for the benefit of simplifying the user interface.

However, Hassell combined with Eyer does not explicitly teach displaying an indicator of the current replay position as one of the plurality of content items is reproduced by the reproducing means.

In an analogous art, Durlach, which discloses a system for displaying video, clearly teaches displaying an indicator of a current replaying position. **(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell combined with Eyer by displaying an indicator of a current replaying position, as taught by Durlach, for the benefit of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 75**, see claim 44.
Consider **claim 76**, see claim 45.
Consider **claim 79**, see claim 48.
Consider **claim 80**, see claim 49.
Consider **claim 81**, see claim 50.
Consider **claim 84**, see claim 62.

Consider **claim 85**, see claim 63.
Consider **claim 86**, see claim 64.
Consider **claim 87**, see claim 65.
Consider **claim 88**, see claim 66.

Claims **47, 55 and 78** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)** in view of **Maissel et al. (US Patent Application Publication 2003/0088872)** in view of **Eyer et al. (US Patent 6,588,015)** further in view of **Durlach (US Patent 6,807,367)**, as applied to claims 43 and 51 above, and further in view of **Schein et al. (US Patent 6,323,911)**, herein Schein.

Consider **claim 47**, Hassell combined with Eyer and Durlach, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria.

However, Hassell combined with Eyer, as in claim 43, do not explicitly teach acquiring the current time and using it to calculate a value when a user input is received. Specifically, Hassell combined with Eyer, as in claim 43, does not teach:

current time acquiring means for acquiring current time; and

calculating means for calculating change value comparing said current time when receiving said user input.

In the same field of endeavor Schein, which discloses a system for displaying television schedule information, clearly teaches;

current time acquiring means for acquiring current time; **(The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.)** and

calculating means for calculating change value comparing said current time when receiving said user input. **(When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of

the program already played, as taught by Schein, in the system disclosed by Hassell combined with Eyer and Durlach, as in claim 43, for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

Consider **claim 55**, see claim 47.
Consider **claim 78**, see claim 47.

(10) Response to Argument

In response to appellant's argument that the combination of Hassell, Maissel, Eyer and Durlach does not disclose "a button that performs both of the following two functions: (1) causing the selection means to jump from the first position within the first content item immediately subsequent to the current replay position to the second position without accessing the intervening contents between the first position and the second position, thereby selecting the second position within the first content item as the next replay position, and (2) causing the selection means to skip past the current replaying position in the first content item directly to the beginning of second content item as the next replay position" (Emphasis original), the examiner respectfully disagrees.

Hassell discloses a system in which a plurality of content items are stored in a set-top box (STB) and selection means allow the user to move the replay position within a currently playing content item or to jump to the first position of a second content item ([0020] and [0040]). Maissel discloses a plurality of "NEXT" buttons which allow the user to jump from a first story or section within a currently playing program without accessing intervening contents or to skip to another program ([0369]-[0373]). The

combination results in a system where multiple buttons are used to satisfy the functions (1) and (2) detailed in the claims.

Eyer discloses a system wherein multiple buttons may be used to control the playback position within a content item or to skip to a second content item. Eyer further discloses combining the functionality of multiple buttons into "a single button such that the desired function is achieved by pressing the button ... for a specific duration." (col. 7 line 50 to col. 8 line 25)

Combining Eyer with the Hassell and Maisel combination results in the functionality of the plurality of "NEXT" buttons disclosed by Maisel being incorporated into a single button.

Therefore, appellant's arguments that no single reference discloses the functions (1) and (2) being performed by a single button is erroneous as one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/JOHN SCHNURR/

Examiner, Art Unit 2421

Conferees:

/KRISTINE KINCAID/

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